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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,430	09/04/2001	W. Stephen G. Mann		1848

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07/19/2004

EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/19/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,430

Applicant(s)

MANN, W. STEPHEN G.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 2, the summary of the invention, and it's description is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are quite apparent after the recited claim 9, "The drive-where-looking vehicle of claim 1,".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Clapper et al (6,752,720 B1).

Regarding claim 1, Clapper et al discloses a drive where looking vehicle comprising:

a body sensor (Fig. 1, 180) for being borne by a body of a driver of the vehicle;
a vehicle sensor (Fig. 1, 145) for being borne by the vehicle;
a processor (Fig. 1, 160); and

wherein the processor is responsive to an input from the body sensor and the vehicle sensor, and the processor provides an output to at least one steering control of the vehicle (col. 3, lines 29-42);

Regarding claim 2, Clapper et al discloses a video camera (140) borne by the vehicle and a video display for being borne by the driver (col. 3, lines 29-42).

Regarding claim 3, Clapper et al discloses the video display being a headworn display and the body sensor borne by the headworn display (180).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable Clapper et al (6,752,720 B1).

Regarding claim 4, Clapper et al does not specifically disclose the body sensor is a headworn camera borne by the headworn display.

However, the Examiner takes Official notice that a conventional head mounted device comprising a camera is well known in the art for an image processing purpose.

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing a drive where looking vehicle as taught by Clapper et al to incorporate the well known head mounted display comprising a headworn camera so as to control the remote vehicle.

Regarding claims 5-6, Clapper et al does not specifically disclose one of the body sensor (first camera) and the vehicle sensor (second camera) being mounted upside down with respect to the other sensor.

However, the Examiner takes Official notice that a mere placement change of one sensor (first camera) relative to the other sensor (second camera) is nothing more than a design choice.

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing a drive where looking vehicle as taught by Clapper et al to incorporate the design choice as discussed above so as to efficiently control the remote vehicle from a remote place or the like.

Regarding claim 7, Clapper et al does not specifically disclose a deliberate differential drift to zero feature.

However, the Examiner takes Official notice that a deliberate differential drift to zero feature is well known feature in the art of navigational guidance systems.

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing a drive where looking vehicle as taught by Clapper et al to incorporate the well known concept as discussed above so as to efficiently control the remote vehicle from a remote place or the like.

Allowable Subject Matter

8. Claim 8 is objected to as being dependent upon a rejected base claim 1, but would be allowable: if claim 8 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims.

Dependent claim 8, recite the novel features comprising a deliberate differential drift to zero tendency, and the tendency proportional to a straightness of trajectory of the vehicle.

The art of record fails to anticipate or make obvious the novel features. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.

10. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

7/9/04